

1 THE HONORABLE MARSHA J. PECHMAN  
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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON

8 MARK HOFFMAN, on behalf of himself and all  
9 others similarly situated,

10 Plaintiff,

11 vs.

12 HEARING HELP EXPRESS, INC.,  
13 TRIANGULAR MEDIA CORP.,  
14 LEADCREATIONS.COM, LLC, LEWIS  
LURIE, INTRICON, INC., and INTRICON  
CORPORATION,

15 Defendants.

16 NO. 3:19-cv-05960-MJP

17 **STIPULATION AND ORDER FOR  
STAY OF PROCEEDINGS AND  
REGARDING CERTAIN  
DISCOVERY TOPICS**

18 **Note on Motion Calendar:**

19 **NOTED FOR CONSIDERATION:  
1/22/2021**

20 **I. STIPULATION**

21 The parties enter this stipulation, which is related to (1) Hearing Help's Motion to Stay  
22 Pending U.S. Supreme Court *Facebook v. Duguid* Ruling on Definition of an Automatic  
23 Telephone Dialing System [ECF 117], (2) Plaintiff's Motion to Compel the Continued  
24 Deposition of Richard Calligan [ECF 118], and (3) the Court's December 22, 2020 Order on  
25 Motion for Protective Order and Motion to Strike [ECF 106]. Specifically, the parties agree:

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- 27 • This case should be stayed, including all current deadlines for any party (including,  
but not limited to, IntriCon, Inc. and IntriCon Corporation) to respond to pleadings  
and/or discovery, pending a decision by the United States Supreme Court in *Duguid*  
*v. Facebook*, No. 19-51 (argued Dec. 8, 2020);

- Within two weeks of the *Duguid* decision, or at the Court’s earliest convenience, the parties shall attend a status conference where a revised scheduling order will be entered;
- Among other deadlines, the revised scheduling order shall include a date certain by which Hearing Help must produce consent data, whether the data is in Hearing Help’s possession or has been obtained from third parties. However, this stay does not preclude any party from issuing third-party subpoenas during the time period the case is stayed;
- Among other deadlines, the revised scheduling order shall include dates certain by which Plaintiff shall provide topics for the continued Rule 30(b)(6) deposition of Hearing Help and the deposition’s completion (with Hearing Help reserving all rights to object to all or portions of said deposition notice); and
- Plaintiff shall withdraw his pending motion to compel [ECF 118].

RESPECTFULLY SUBMITTED AND DATED this 24th day of January, 2021.

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## II. ORDER

IT IS SO ORDERED.

Dated this 25th day of January, 2021.

Wesley P. Rekem

Marsha J. Pechman  
United States District Judge

STIPULATION AND ORDER FOR STAY OF  
PROCEEDINGS AND REGARDING CERTAIN  
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